

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed the Office Action dated November 24, 2004, regarding the above-referenced patent application. Currently claims 1-20 are pending in the application, wherein claims 19 and 20 are withdrawn from consideration. Claims 1-3, 5-13 and 15-18 stand rejected by the Examiner. Claims 4 and 14 were indicated as allowable, but are objected to as being dependent upon a rejected base claim. Claims 1-7, 10-16 and 18 have been amended with this paper. Applicant respectfully requests favorable consideration to the above amendments and following remarks prepared in view of the Office Action.

#### **Objections**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference signs mentioned in the description. Namely, reference signs 53 and 38, set forth in the specification, are absent in the drawings. Applicant has amended Figure 2 to include reference signs 53 and 38. A corrected drawing sheet labeled "Replacement Sheet" including amended Figure 2 is included with this response. Applicant asserts no new matter has been added with this amendment; therefore, entry of this amendment is requested.

The specification is objected to due to informalities found at page 16, lines 5 and 7. Applicants have amended the specification by replacing "262" with --260-- at two locations, as requested by the Examiner. Applicant asserts no new matter has been added with this amendment; therefore entry of this amendment is requested.

#### **Rejections under §103**

Claims 1-3, 5-13 and 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,809,002 to Rudolph (hereinafter "Rudolph") in view of U.S. Patent No. 5,407,310 to Kassouni (hereinafter "Kassouni"). Applicants respectfully traverse this rejection, to the extent that it is maintained.

Rudolph discloses an adjustable bar hanger for electrical devices including mounting holes 33/39 in the flanges 32/38 to facilitate mounting. (See, e.g., Rudolph, Figures 3, 5, and 6, and Col. 2, lines 23-28 and 34-37). For example, Figure 1 of Rudolph shows the use of

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Response dated FEBRUARY 22, 2005  
Reply to Restriction Requirement dated November 24, 2004

**Amendments to the Drawings:**

The attached Replacement Sheet of drawings includes changes to Figure 2. This Replacement Sheet replaces the original sheet including Figure 2. In Figure 2, reference numbers 38 and 53 as set forth in the description have been added. Also attached is an Annotated Sheet showing the changes (i.e. addition of reference numbers) in red.

Attachment: Replacement Sheet  
Annotated Sheet showing changes in red

what appear to be nails that are used to attach the adjustable bar hanger 20 between a pair of supports 21/22, such as wooden joists of a building. (Rudolph, Figure 1 and Col. 3, lines 42-54).

Kassouni teaches a fastener-carrier system 12 including a fastener-carrier member 14 having one or more mounting bolts 16, 18 mounted thereto which is adapted to receive a nut, for example 32,34. (Col. 3, lines 42-54). As best shown in Figure 4 of Kassouni, bolts 16, 18 are molded into the body portion 40 of the fastener-carrier member 14 during a molding operation. (Col. 4, lines 10-35). Thermoplastic material molded around the head of the bolt prevents axial and rotational movement of the bolt relative to the fastener-carrier member 14. (Col. 4, lines 10-35). Rotational movement of a threaded nut 32, 34 is required to secure the mounted members 24, 30.

As an initial matter, Applicants respectfully submit that Kassouni cannot properly be combined with Rudolph to arrive at the claimed invention. The proposed modification of the device disclosed in Rudolph in accordance with the teaching of Kassouni would render the device of Rudolph unsatisfactory for its intended purpose and/or change the principle of operation. As can be appreciated, it would be exceedingly difficult, if not impossible, to attach the device of Rudolph to building supports, such as wooden joists, using bolts - especially bolts are prevented from axial and rotational movement relative to the member to which they are attached. As such, applicants respectfully submit that Kassouni cannot properly be combined with Rudolph.

However, even if the references are combined, a *prima facie* case of obviousness does not exist. It is well known that in order to establish a *prima facie* case of obviousness, the prior art combination must teach each and every element of the claimed invention. See, M.P.E.P. 2143.03. The independent claims 1, 11, 12 and 18, as currently amended, each includes a screw pre-disposed in an opening of a flange of a hanger assembly. Applicant asserts the prior art of record fails to teach or suggest at least this feature of the invention as currently claimed. Neither Rudolph nor Kassouni, alone or in combination, teach or suggest a screw pre-disposed in an opening of a flange of a hanger assembly as currently claimed. Applicant asserts there are distinct structural differences between the bolt configuration disclosed in Kassouni and a screw as currently claimed.

As such, the Applicant respectfully asserts a *prima facie* case of obviousness has not been established, and respectfully requests withdrawal of the rejection.

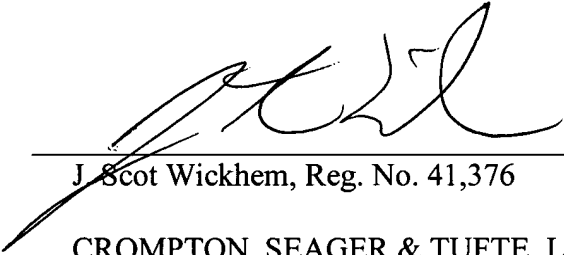
**Conclusion**

Reexamination and reconsideration are respectfully requested. It is submitted that claims 1-18 are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,  
ANGELO JOSEPH KUSBER et al.

By their attorney,

Date: Feb. 22, 2005

  
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Attachments: Replacement Sheet  
Annotated Sheet Showing Changes

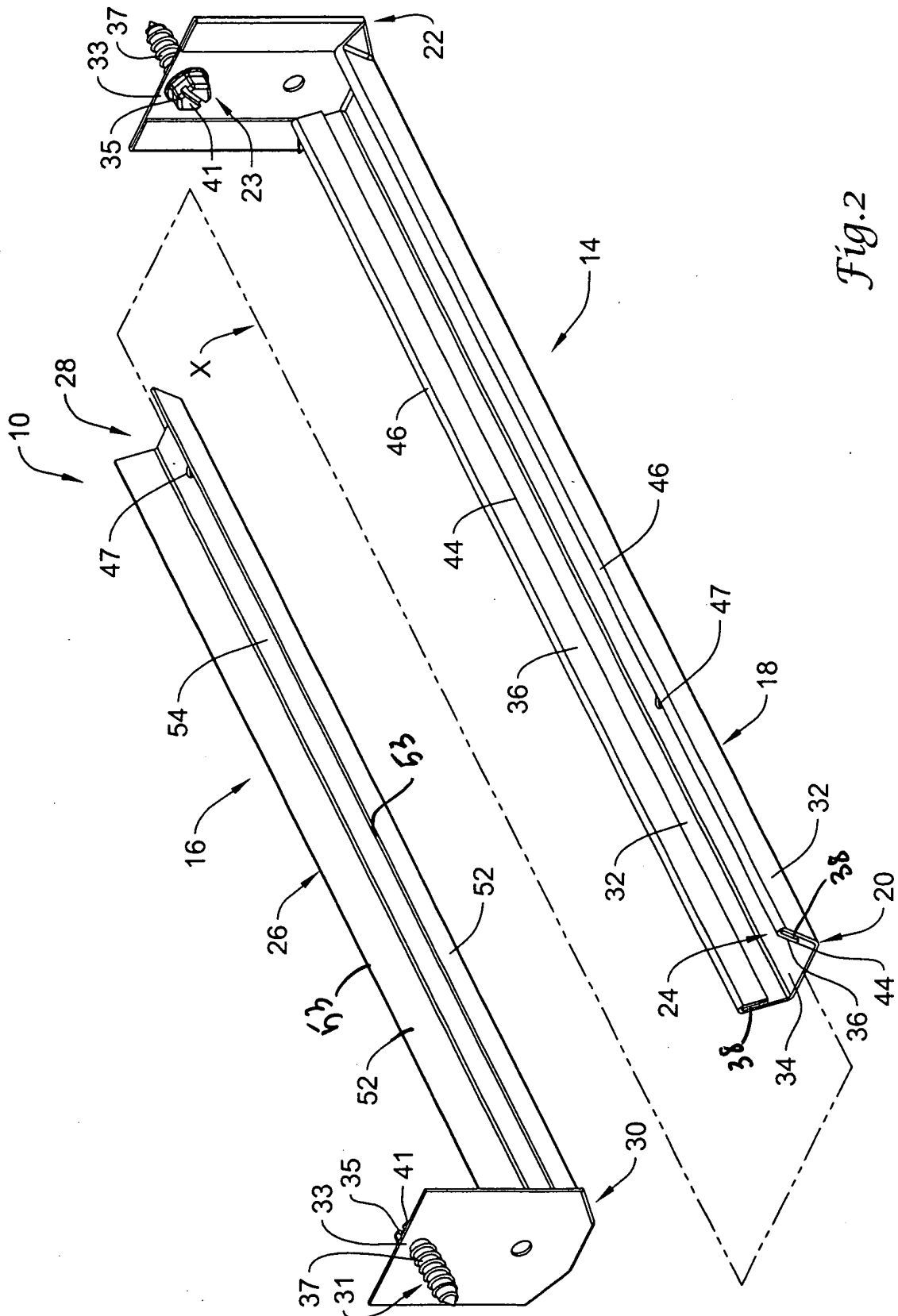


Fig. 2